

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
UTILITIES COMPANY FOR A CERTIFICATE OF)	CASE NO.
PUBLIC CONVENIENCE AND NECESSITY FOR)	2022-00066
THE CONSTRUCTION OF TRANSMISSION)	
FACILITIES IN HARDIN COUNTY, KENTUCKY)	

ORDER

On May 2, 2022, Stephen Dobson filed a motion for a continuance on behalf of Delberta Hagan and William Robert Hagan based on an alleged failure of Kentucky Utilities Company (KU) to notify all interested parties owning Parcel ID 207-00-00-030 of the proposed transmission line construction.

LEGAL STANDARD

Commission regulation 807 KAR 5:120, Section 2(3), requires a utility to file with an application for a Certificate of Public Convenience and Necessity (CPCN) notice to affected property owners as follows:

A verified statement that, according to county property valuation administrator records, each property owner over whose property the transmission line right-of-way is proposed to cross has been sent by first-class mail, addressed to the property owner at the owner's address as indicated by the county property valuation administrator records, or hand delivered:

MOTION AND RESPONSE

According to Mr. Dobson's motion, KU did not provide notice of the application for a Certificate of Public Convenience and Necessity (CPCN) to Delberta Hagan or William

Robert Hagan. Mr. Dobson alleged that both Delberta Hagan and William Robert Hagan are listed on the deed on file with the “Hardin County Clerk of Courts.”¹ Mr. Dobson further alleged that pursuant to “807 KAR 5:120 Section 2.3,” KU was obligated to provide notice to all parties listed as an owner on the deed filed with the Hardin County Clerk of Courts.²

KU filed a response on May 6, 2022. KU stated that it assumed that the motion was filed on behalf of all members of the Dobson and Hagan families, who have all been granted intervention in this matter.³ KU argued that it complied with 807 KAR 5:120, Section 2(3), because it provided notice to the address listed on file with the Hardin County Property Valuation Administrator, and the notice included all of the required information ordered by the regulation.⁴ KU asserted that the regulation requiring notice to property owners does not require a search of the county clerk records to identify affected landowners.⁵ KU explained that the Hardin County Property Valuation Records lists a single address for the property owner and that notice was made to that owner’s address in accordance with 807 KAR 5:120, Section 2(3).

DISCUSSION AND FINDINGS

Based upon a review of the motion, response, and case record, the Commission finds that the motion is denied for the following reasons. First, the evidence of record

¹ Motion for Failure of Kentucky Utilities to Properly Notify Landowners (Motion) (filed May 2, 2022).

² Motion.

³ KU’s Response to Motion (KU’s Response) (filed May 6, 2022) at 1.

⁴ KU’s Response at 3.

⁵ KU’s Response at 3.

indicates that KU complied with the notice regulation by providing notice of the property owner at the owner's address on file with the Hardin County Property Valuation Administrator. The Commission has reviewed KU's verified statement, the sample notice, and the address of 400 Aspen Court, Elizabethtown, Kentucky 42701, provided by KU.⁶ According to the records of the Hardin County Property Valuation Administration, the owner of 1055 Glendale Hodgenville Road West is Hagan Leila Lifetime Estate, 400 Aspen Court, Elizabethtown, Kentucky 42701.⁷ Thus, the evidence of records supports the conclusion that KU provided notice as required by 807 KAR 5:120, Section 2(3).

Second, Mr. Dobson erroneously concluded that KU was required to conduct a search of the property deed and notify all persons listed on the property deed. The clear language of 807 KAR 5:120, Section 2(3), requires notice to be provided to property owners listed in the county property valuation administrator records at the owner's address as listed in the county property valuation administrator records. Mr. Dobson is incorrect in his interpretation that 807 KAR 5:120, Section 2(3), requires an applicant to conduct a search of the county clerk's record.

Third, the Commission notes that Scott Hagan, on behalf of Delberta Hagan, filed an email request for intervention on April 10, 2022.⁸ The Commission denied the request on May 2, 2022, finding, among other things, that Ms. Hagan did not provide a property

⁶ KU's Response at 3.

⁷<https://qpublic.schneidercorp.com/Application.aspx?AppID=879&LayerID=16654&PageTypeID=4&PageID=7369&Q=1122664552&KeyValue=207-00-00-030>.

⁸ Email dated Apr. 10, 2022, sent by Scott Hagen on behalf of Delberta Hagen (filed Apr. 11, 2022). The email was sent on Sunday, Apr. 10, 2022. According to Commission regulation 807 KAR 5:001, Section 4(7)(b), it is deemed filed on Monday, Apr. 11, 2022.

address or explain her ownership interest in any property.⁹ In response to a request for information, KU provided a title opinion for 1055 Glendale Hodgenville Road West.¹⁰ Although not determinative of the issue, the title opinion does not substantiate all of the allegations made by Stephen Dobson regarding ownership of the relevant parcel.

The Commission reminds Mr. Dobson that in the April 25, 2022 Order granting his request to intervene, Mr. Dobson was informed that he cannot represent any other party.¹¹ This means that Mr. Dobson shall not file any document or motion on behalf of others. On information and belief, Stephen Dobson is not an attorney licensed to practice law in Kentucky. No person may engage in the practice of law in Kentucky without first obtaining a license to practice.

The practice of law is any service rendered involving legal knowledge or legal advice, whether of representation, counsel or advocacy in or out of court, rendered in respect to the rights, duties, obligations, liabilities, or business relations of one requiring the services.¹²

Commission regulation 807 KAR 5:001, Section 4(4), incorporates this rule. The regulation, in relevant part, requires that “[a] person shall not file a paper on behalf of another person, or otherwise represent another person, unless the person is an attorney licensed to practice law in Kentucky or an attorney who has complied with SCR 3.030(2).”¹³ To promote efficiency and reduce disruptions to the process, the

⁹ Order (Ky. PSC May 2, 2022) at 4.

¹⁰ KU’s Response to Commission Staff’s Second Request for Information (filed Apr. 21, 2022) Attachment to Response 12, PDF page 62.

¹¹ Order (Ky. PSC Apr. 25, 2022) at 3–4.

¹² Kentucky SCR 3.020.

¹³ 807 KAR 5:001, Section 4(4).

Commission, in its Orders granting intervention, encouraged the intervenors to make joint filings as individuals¹⁴ Making joint filings signed by all filers is different from a single filer filing on behalf of several individuals. Any future filings by Mr. Dobson made on behalf of other persons that violates 807 KAR 5:001, Section 4(4), shall be rejected for filing.

IT IS HEREBY ORDERED that the motion for a 30-day continuance of the hearing date is denied.

¹⁴ Orders (Ky. PSC Apr. 25, 2022).

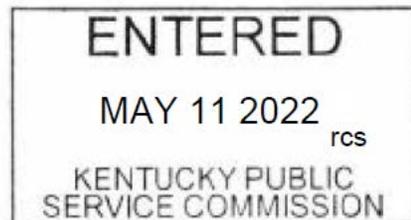
PUBLIC SERVICE COMMISSION



Chairman

Vice Chairman

Commissioner



ATTEST:



Executive Director

*L Allyson Honaker
Goss Samford, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KENTUCKY 40504

*T. Morgan Ward, Jr.
Stites & Harbison, PLLC
1800 Providian Center
400 West Market Street
Louisville, KENTUCKY 40202

*Honorable Allyson K Sturgeon
Managing Senior Counsel - Regulatory &
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*John and Loretta Hagan
1470 High Point Blvd.
Orlando, FLORIDA 32825

*David S Samford
Goss Samford, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KENTUCKY 40504

*Larry & Kay Hagan
1055 W. Glendale-Hodgenville Road
Glendale, KENTUCKY 42740

*Grover K. Berry
339 Mockingbird Valley Road
Louisville, KENTUCKY 40207

*Robert Conroy
Vice President, State Regulation and Rates
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*Honorable Kendrick R Riggs
Attorney at Law
Stoll Keenon Ogden, PLLC
2000 PNC Plaza
500 W Jefferson Street
Louisville, KENTUCKY 40202-2828

*Kentucky Utilities Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40232-2010

*Katie M Glass
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KENTUCKY 40602-0634

*Stephen L. Dobson
125 Stirling Lane
Versailles, KENTUCKY 40383

*Michael Hornung
Manager, Pricing/Tariffs
Louisville Gas and Electric Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40202